

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:01-CR-1-1BO

JEFFREY LYNN MORGAN,)
Petitioner,)
)
v.)
)
UNITED STATES,)
Respondent.)
)

ORDER

This matter is before the Court on Petitioner's "Request to Unseal Document known as 'Statement of Reasons'" (DE# 81) and the Government's Motion to Dismiss (DE# 84). Petitioner's Motion essentially requests a "statement of reasons" explaining his sentence.

Petitioner's Motion is DISMISSED, and the Government's Motion is GRANTED.

FACTS

On March 12, 2001, Petitioner pled guilty, pursuant to a plea agreement, to one count of conspiracy to possess with the intent to distribute and distribution of at least five grams of cocaine base. On July 31, 2001, this Court sentenced Petitioner to 235 months of imprisonment, along with other penalties.

Petitioner filed a 28 U.S.C. § 2255 motion on July 26, 2002, and this Court denied that motion on November 27, 2002. Petitioner has also unsuccessfully sought to reduce his sentence through a retroactive application of the Sentencing Guidelines. (DE# 72).

Petitioner now asks the Court for "the document known as 'The Statement of Reasons'" so that he may prepare to file a motion pursuant to 18 U.S.C. § 3582. (DE# 81). He hopes to file this motion based on "the change in the United States Sentence Guidelines Table reducing the

crack ratio to 18 to 1." Id. He specifically wishes to know the drug amount for which he was sentenced.

DISCUSSION

Petitioner's Motion is dismissed.

Petitioner has not shown a particularized need for the document he seeks. See, e.g., United States v. Butler, 2006 WL 1208104, *1 (4th Cir. 2006) (holding that a petitioner could not compel the production of discovery when he "failed to demonstrate a particularized need for the documents"). Petitioner would have been notified regarding the quantity of narcotics attributed to him through his presentence report and the sentencing process.

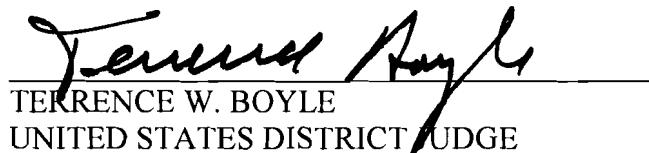
Additionally, Petitioner has already once attempted to reduce his sentence through a § 3582 motion (DE# 59), and this Court denied that motion after a hearing on the merits. (DE# 72). Petitioner has not explained how another § 3582 motion would succeed where his prior motion failed.

Thus, Petitioner's Motion is dismissed.

CONCLUSION

Defendant's Motion is DISMISSED, and the Government's Motion is GRANTED.

SO ORDERED, this 9 day of May, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE